

## **EXHIBITS PAGE 2 WP MOL ECF 476**

**EXHIBIT #18 A Google public webpage Support Removal Instruction pages**

**#18 B Pl.s Evid. 000058 to 000068 WorthPoint emails & Google 1972 Listing**

**EXHIBIT #19 Pl.Evid. 000016 Ebay Email Quote WorthPoint Anita Brooks Nov26, 2015**

**Pl. Evid 000285 000286 Jan 14, 2016 submitted into WorthPoint's website**

**EXHIBIT #20 Pl. Evid. 000021 to 000030 Jan. Feb Pl. emails to WorthPoint in 2016**

**Pl. Evid. 000035 to 000049 Pl. emails to WP Late Feb 2016 to March 2016**

**EXHIBIT #21 Pl. Evid. 000050 to 000051 Jan. 4, 2017 with WorthPoint WP000132 -134**

**EXHIBIT# 22 A WorthPoint Membership records of Norb Novocin**

**B Pl. Evid 000604 Novocin paid subscriber to WP from May 15, 2014**

**C Norb Novocin's Phone Call to Plaintiff on Jan. 10, 2017**

**EXHIBIT #23 EXHIBIT #23 Phone Call to WorthPoint Jan.31 Outgong message**

**Ebay 2015 Phone Transcript pages 8(3rd Party) and 19 Undefined Sale.**

**EXHIBIT #24 Pl.s Aug 30, 2022 Dep. Page 173 No Admission I do not monetize my bio.**

**EXHIBIT #25 Federal Identity Theft report in Plaintiff Evid. 000167**

**Plaintiff contacted a Lawyer Plaintiff Evid 000239**

**Plaintiff contacted NYPD Det. Randi Rose Plaintiff Evid 000307**

**Credit Freeze TransUnion Pl Evid 000690 Experian Pl Evid 000694**

**EXHIBIT # 26 EBay agent Aldrin page 13 from the 2015 eBay phone transcript.**

**EXHIBIT #27 Judge AbramsOrder ECF 187 Page 17 DMCA Statues of Limitation**

Yahoo Mail - Annamarie Trombetta

Plaintiff 000035

Annamarie Trombetta

From: Annamarie Trombetta (trombettaart@yahoo.com)

To: will@worthpoint.com

Date: Monday, March 7, 2016, 07:26 AM EST

EXHIBIT #20 (11)  
B

Mr. Seippel,

The e-mail below has no greeting or salutation. Mr. Seippel did you send this to me? Secondly if you wrote me a response on the 20th of February it should be in your sent folder. I am requesting that you Re-Send the e-mail from February 20th.

Third---Can you send me the images of the said Item that you have in your possession --**We are only in receipt of images of an item**

Fourth---you posted a price but you do not know who sold it and who bought it---Is that correct??

Fifth---How did you obtain this information?? Who is the source??

Kindly respond to me at your earliest convenience.

Sincerely,

Annamarie Trombetta

Will Seippel <will.seippel@worthpoint.com>

To: 'Annamarie Trombetta'

Mar 1 at 7:47 PM

I wrote to you on the 20<sup>th</sup> and perhaps you did not receive that email? As a result of that confusion I have requested a delivery and read receipt.

We do not have the information you are requesting. We are only in receipt of images of an item, its description and sold for price. We have no additional information. We do not get it with the listings and are not licensed to have that type of information.

We have taken down any pages that you have asked to have taken down as a courtesy to you. If you were to go into our site and do a search you would see that. If you are searching on Google, or possibly another search engine, and it is reflecting the past and will take some time for that to clear out of that search engine's memory. Thus we can not help but the page no longer exists on our site for Google or other's to link to.

**From:** Annamarie Trombetta [mailto:trombettaart@yahoo.com]

**Sent:** Monday, February 29, 2016 11:54 AM

**To:** will@worthpoint.com

**Cc:** Worthpoint Support <support@worthpoint.com>

**Subject:** Fw: Artist Annamarie Trombetta---Fraudulent Artwork--and links to Fraudulent Artwork

Dear Mr. Seippel and Mr. Watkins,

I am resending this e-mail as I have NOT received a response from either of you regarding my questions and concerns. Another link to Worthpoint.com entitled Titanic still has the 1972 Original Oil Painting Man with Red Umbrella signed Annamarie Trombetta. This is still attached to my personal credentials.

Kindly answer the questions I have sent to you on February 20 2016 and have discussed with Mr. Watkins during our phone conversation.  
Sincerely Annamarie Trombetta

**Annamarie Trombetta - Artist Info**

[www.trombettaart.com/info.html](http://www.trombettaart.com/info.html)

2001, -Richmondtown Historic Museum,S.I, NY "Plein Air Paintings of Staten ... representation may be, **Annamarie Trombetta** is enough of



Yahoo Mail - Annamarie Trombetta

Plaintiff 000036

an artist to realize that ...

Missing: 1972 oil man red umbrella yqz

You've visited this page many times. Last visit: 2/21/16

Staten Island native's passionate love affair with Central ...

[www.silive.com/entertainment/.../annamarie\\_trom...](http://www.silive.com/entertainment/.../annamarie_trom...)

•

Staten Island Advance

Jan 12, 2015 - Paintings, prints, drawings and photos by Annamarie Trombetta ... resident is showing 80 works -- etchings, oil paintings, watercolors, pastels, ...

Missing: 1972 red umbrella yqz

You've visited this page 3 times. Last visit: 1/7/16

TITANIC lithograph poster (12/01/2012) - WorthPoint

[www.worthpoint.com](http://www.worthpoint.com) · Worthopedia™

•

About the Art : Great care was taken to precisely re-create the artist's original image. ... 1972 Original Oil Painting Man With Red Umbrella Signed Annamarie ...

You visited this page on 2/16/16.

EXHIBIT 20

(12)

1/10/2020

Yahoo Mail - Fwd: FW: Artist Annamarie Trombetta----Fraudulent Artwork--and links to Fraudulent Artwork

Plaintiff 000037

Fwd: FW: Artist Annamarie Trombetta----Fraudulent Artwork--and links to Fraudulent Artwork

From: Will Seippel (will.seippel@worthpoint.com)

To: AnnamarieTrombetta@

Date: Monday, March 7, 2016, 10:27 AM EST

EXHIBIT #20  
(13)

This string includes my letter to you of the 20th.

### Forwarded conversation

Subject: Artist Annamarie Trombetta----Fraudulent Artwork--and links to Fraudulent Artwork

From: Annamarie Trombetta <trombettaart@yahoo.com>

Date: Sat, Feb 20, 2016 at 10:24 AM

To: "will@worthpoint.com" <will@worthpoint.com>

Cc: Worthpoint Support <support@worthpoint.com>

Dear Mr. Seippel and Mr. Watkins,

Allow me to introduce myself to you Mr. Seippel. I am professional artist Annamarie Trombetta. I as well as other people found a listing for a painting entitled 1972 Original Oil Painting Man with Red Umbrella signed Annamarie Trombetta. This is not one of my paintings. There is a photo of a signature A. Trombetta with the eBay logo and Copyright symbol written "Copyrighted work licensed by Worthpoint" with your company logo in yellow next to it. This is not my signature. **Please see attachments.**

On February 3, 2016 I spoke with Mr. Gregory Watkins. Mr. Watkins also stated that you were at a conference in Las Vegas. I asked Mr. Watkins certain questions regarding the artwork falsely attributed to me. I requested that he e-mail me his answers regarding these questions that I had about this artwork on Tuesday February 3, 2016. Today is February 20, 2016 and nothing has been forwarded to me. I have contacted eBay several times prior to contacting your company.

eBay stated that they do not have the name of the seller nor the name of the buyer or the listing for this painting. Ebay expressed several times to me that I need to contact Worthpoint since the listing is on your site..

There are still listing for Worthpoint.com under my name. Under google search for the painting "1972 Original Oil Painting Man with Red Umbrella signed Annamarie Trombetta there is a link entitled **Marilyn Monroe 1988 Vintage Michael Ochs Archive and also Thomas Kinkade**. Both Worthpoint sites list 1972 Original Oil Painting Man with Red Umbrella signed Annamarie Trombetta which is why they are surfacing under my name and under 1972 Original Oil Painting Man with Red Umbrella signed Annamarie Trombetta.



EXHIBIT #20(14)

Plaintiff 000038 Yahoo Mail - Fwd: FW: Artist Annamarie Trombetta---Fraudulent Artwork--and links to Fraudulent Artwork

When I spoke to Mr. Watkins on the phone on February 2, 2016 I asked Mr. Watkins the following questions and asked him to forward me the information which he has not done. I have contacted you in order to have these questions answered please:

- 1) HOW did your company obtained this information -listing for " 1972 Original Oil Painting Man with Red Umbrella signed Annamarie Trombetta "?
- 2) Can you forward me the name of the seller?
- 3) How long has this link been on your site?? The date of the sale is from December 1, 2012. I will assume from December 1, 2012 and Mr. Watkins agreed during our phone conversation on February 3, 2016.
- 4) Who owns this painting?? The description is a damaged painting. It also states that there is a signature in RED on the back of the stretcher. This signature is outside of the photo of a signature A.Trombetta. The painting is dated 1972--Do you know how old I would have been at the time the painting has been dated?
- 5)Who provided you with the photo of the signature A.Trombetta? Again I assure it is not my signature.
- 6) The Worthpoint description of this painting states that there are are 12 photos. Below is the text that is on the page for this painting. Where did you get my biography?? It is so specific it is definitely mine.
- 7) I did sign up for the Free Trial in order to obtain the information below. If there is a purchase price of \$181. 50 duly documented and listed there was a financial transaction and there should be a receipt of payment for this item. May I have this information as well?

Kindly forward any information that you have regarding this painting .

Attached is a printout from February 2016 which lists items and links that are on Worthpoint.com These items are listed with my unrelated personal and professional links. I have no association to the Worthpoint.com company---data base nor the artwork that is associated with these link. Please review. I am requesting that you kindly remove your links since they have no relation to my personal and professional credentials.

Sincerely,  
Annamarie Trombetta

1972 ORIGINAL OIL PAINTING MAN WITH RED UMBRELLA SIGNED  
ANNAMARIE TROMBETTA YQZ

- **SOLD FOR:**
- \$181.50
- **ITEM CATEGORY:**
- 
- **SOURCE:**
- eBay
- **SOLD DATE:**
- Dec 01,2012
- **CHANNEL:**
- Online Auction



Plaintiff 000039

Yahoo Mail - Fwd: FW: Artist Annamarie Trombetta---Fraudulent Artwork--and links to Fraudulent Artwork

This is by Annamarie Trombetta. It is signed on the bottom, but on the back it has written in red on the stretcher, Annamarie Trombetta "Gifted" 1977, "Painted" 1972. To our eyes it looks like it is after the style of Andre Kohn. It is quite large being approx. 48 1/2" tall and 17 1/2" wide. We are calling it shabby chic condition as it has a tear in the canvas, about 5/8" long just to the left of the man's knees, but still such a great painting. For those not familiar with Trombetta, here is information about her from off AskArt as they got it from her website: Annamarie Trombetta (1963 - ) Lived/Active: New York The nature of an artist's life, creativity and growth may be synonymously expressed in the image of an archetypal tree. Beginning with the earthly descendent roots the artist like the tree branches out into its surrounding environmental and celestial world. Both ascend and descend, widening their girth of consciousness while producing visual imagery, weathering each season of change. Thus, I believe it is the nature of the artist and of nature itself to regenerate and manifest. All of the imagery in this catalog was either created en plein air or from the subject directly. My journey to becoming an artist began many years ago. The consanguineous roots of my Italian family tree provided me with an innate constitution for my artistic profession. When I was a tiny seed of contemplative thought, my artistic nature began to sprout interest while gazing up at the ceiling paintings in a neighborhood church named Regina Pacis, meaning Queen of Peace. The church located in Brooklyn, NY features ceiling paintings, sculptures, marble interiors, and incorporates architectural elements for the façade and the belfry that are of Italianate design. Before the age of three I was able to surmise that the church in the ceiling painting was indeed the church I was in. The visual stimulation was a form of education. It fostered my sense of perception which became my strongest mode for acquiring knowledge. As the years unfurled, my family moved to Staten Island. At this time it was a scenic field of luminosity, lush vegetation and a harbor view complete with sail boats and small yachts. A few years after we moved my tree of life was in jeopardy of losing a limb. What appeared to be a swollen leg was indeed a cancerous tumor. It was an almost fatal or perhaps even a fated occurrence in my life. The struggle to survive the experience was lightened by my imagination and by my artistic ability to create. I seriously thought I would go into medicine but the posters and paintings in the hospital and doctor's office held my attention more intensely. I began my formal training at The Brooklyn Museum School of Art while I was in high school. The exposure to various forms of art inspired me to expand my horizons and in the early Eighties I traveled on a summer tour to Europe. The tour comprised of six countries; Germany, Austria, France, Italy, Switzerland and England. Viewing so many different cities and cultures in a concentrated period of time...

EXHIBIT

#20 (15)

From: Will Seippel <[will.seippel@worthpoint.com](mailto:will.seippel@worthpoint.com)>

Date: Sat, Feb 20, 2016 at 10:35 AM

To: Annamarie Trombetta <[trombettaart@yahoo.com](mailto:trombettaart@yahoo.com)>, [will@worthpoint.com](mailto:will@worthpoint.com), Jason Packer <[jason.packer@worthpoint.com](mailto:jason.packer@worthpoint.com)>Cc: Worthpoint Support <[support@worthpoint.com](mailto:support@worthpoint.com)>

Hi, Annamarie. The art world is a very dark world and it is our goal to remove as many shadows as possible and supply equal information, and a lot of it, to all. To achieve this goal many auction houses allow us to use their data, including eBay.

We unfortunately do not take the data from eBay you are asking for. We only obtain selling price, pictures and the description. We do not obtain sellers, buyers and all such information you are asking for. I am sorry we do not do that but we never had and it is more information than we are allowed to collect. I do not think that data actually exists anywhere at this point as we are the only persons that have saved this to my knowledge. Since you are the artists, and I have no reason to doubt that, and you feel this is fraudulent, we will remove the item from the site so that it does not mislead anyone on your paintings.



1/10/2020

Yahoo Mail - Fwd: FW: Artist Annamarie Trombetta----Fraudulent Artwork--and links to Fraudulent Artwork

If I can be of any other help, please let me know.

Plaintiff 000040

**From:** Annamarie Trombetta [mailto:[trombettaart@yahoo.com](mailto:trombettaart@yahoo.com)]  
**Sent:** Saturday, February 20, 2016 10:24 AM  
**To:** [will@worthpoint.com](mailto:will@worthpoint.com)  
**Cc:** Worthpoint Support <[support@worthpoint.com](mailto:support@worthpoint.com)>  
**Subject:** Artist Annamarie Trombetta----Fraudulent Artwork--and links to Fraudulent Artwork

EXHIBIT #2

(16)

-----  
**From:** Will Seippel <[will.seippel@worthpoint.com](mailto:will.seippel@worthpoint.com)>  
**Date:** Sat, Feb 20, 2016 at 10:35 AM  
**To:** Annamarie Trombetta <[trombettaart@yahoo.com](mailto:trombettaart@yahoo.com)>, [will@worthpoint.com](mailto:will@worthpoint.com), Jason Packer <[jason.packer@worthpoint.com](mailto:jason.packer@worthpoint.com)>  
**Cc:** Worthpoint Support <[support@worthpoint.com](mailto:support@worthpoint.com)>

Hi, Annamarie. The art world is a very dark world and it is our goal to remove as many shadows as possible and supply equal information, and a lot of it, to all. To achieve this goal many auction houses allow us to use their data, including eBay.

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If I can be of any other help, please let me know.

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**Sent:** Saturday, February 20, 2016 10:24 AM  
**To:** [will@worthpoint.com](mailto:will@worthpoint.com)  
**Cc:** Worthpoint Support <[support@worthpoint.com](mailto:support@worthpoint.com)>  
**Subject:** Artist Annamarie Trombetta----Fraudulent Artwork--and links to Fraudulent Artwork

Dear Mr. Seippel and Mr. Watkins,

-----  
**From:** Worthpoint Support <[support@worthpoint.com](mailto:support@worthpoint.com)>  
**Date:** Sat, Feb 20, 2016 at 10:36 AM  
**To:** [will.seippel@worthpoint.com](mailto:will.seippel@worthpoint.com)

**Ticket #57565: Artist Annamarie Trombetta----Fraudulent**



1/10/2020

Yahoo Mail - Fwd: FW: Artist Annamarie Trombetta---Fraudulent Artwork--and links to Fraudulent Artw

Plaintiff 000041

**Artwork--and links to Fraudulent Artwork****WorthPoint** | Feb 20, 2016 10:36AM EST

Thank you for submitting your request. We have received your request and are working on responding to you as soon as possible. If you have any additional information to add to this case, please reply to this email.

Thanks in advance for your patience and support.

This message was sent to [trombettaart@yahoo.com](mailto:trombettaart@yahoo.com) in reference to Case #57565.

[[7e0d850a2b9039a31cbf23ab9ae58ea3fc4a46c9-641339616]]

From: Jason Packer <[jason.packer@worthpoint.com](mailto:jason.packer@worthpoint.com)>

Date: Sat, Feb 20, 2016 at 11:13 AM

To: Will Seippel <[will.seippel@worthpoint.com](mailto:will.seippel@worthpoint.com)>

EXHIBIT  
#20 (17)

That item:

<http://www.worthpoint.com/worthopedia/1972-original-oil-painting-man-red-48924172>  
was already removed on Feb 4th.

Searching google still finds the item title in on a different item (<http://www.worthpoint.com/worthopedia/thomas-linkade-kincaid-everett-48924157>) under the "More Items From eBay", but that is no longer on the site, it's just cached by Google still.

<http://webcache.googleusercontent.com/search?q=cache:RFHCrO6c0QsJ:www.worthpoint.com/worthopedia/thomas-linkade-kincaid-everett-48924157+&cd=3&hl=en&ct=clnk&gl=us>

From: Will Seippel <[will.seippel@worthpoint.com](mailto:will.seippel@worthpoint.com)>

Date: Sat, Feb 20, 2016 at 11:15 AM

To: Jason Packer <[jason.packer@worthpoint.com](mailto:jason.packer@worthpoint.com)>

ty

From: Jason Packer [mailto:[jason.packer@worthpoint.com](mailto:jason.packer@worthpoint.com)]

Sent: Saturday, February 20, 2016 11:14 AM

To: Will Seippel <[will.seippel@worthpoint.com](mailto:will.seippel@worthpoint.com)>

Subject: Re: Artist Annamarie Trombetta---Fraudulent Artwork--and links to Fraudulent Artwork

From: Will Seippel <[will.seippel@worthpoint.com](mailto:will.seippel@worthpoint.com)>

Date: Sat, Feb 20, 2016 at 11:15 AM

To: Jason Packer <[jason.packer@worthpoint.com](mailto:jason.packer@worthpoint.com)>

ty

From: Jason Packer [mailto:[jason.packer@worthpoint.com](mailto:jason.packer@worthpoint.com)]

Sent: Saturday, February 20, 2016 11:14 AM



1/10/2020

Yahoo Mail - Fwd: FW: Artist Annamarie Trombetta----Fraudulent Artwork--and links to Fraudulent Artwork

Plaintiff 000042

**To:** Will Seippel <will.seippel@worthpoint.com>**Subject:** Re: Artist Annamarie Trombetta----Fraudulent Artwork--and links to Fraudulent Artwork-----  
**From:** Annamarie Trombetta <trombettaart@yahoo.com>**Date:** Mon, Feb 29, 2016 at 11:54 AM**To:** "will@worthpoint.com" <will@worthpoint.com>**Cc:** Worthpoint Support <support@worthpoint.com>EXHIBIT  
#20 (18)

Dear Mr. Seippel and Mr. Watkins,

I am resending this e-mail as I have NOT received a response from either of you regarding my questions and concerns. Another link to Worthpoint.com entitled Titanic still has the 1972 Original Oil Painting Man with Red Umbrella signed Annamarie Trombetta. This is still attached to my personal credentials.

Kindly answer the questions I have sent to you on February 20 2016 and have discussed with Mr. Watkins during our phone conversation.

Sincerely Annamarie Trombetta

**Annamarie Trombetta - Artist Info**[www.trombettaart.com/info.html](http://www.trombettaart.com/info.html)

2001, -Richmondtown Historic Museum, S.I, NY "Plein Air Paintings of Staten ...  
representation may be, Annamarie Trombetta is enough of an artist to realize that ...  
Missing: 1972 oil man red umbrella yqz  
You've visited this page many times. Last visit: 2/21/16

**Staten Island native's passionate love affair with Central ...**[www.silive.com/entertainment/.../annamarie\\_trom...](http://www.silive.com/entertainment/.../annamarie_trom...)

Staten Island Advance  
Jan 12, 2015 - Paintings, prints, drawings and photos by Annamarie Trombetta ... resident is  
showing 80 works — etchings, oil paintings, watercolors, pastels, ...  
Missing: 1972 red umbrella yqz  
You've visited this page 3 times. Last visit: 1/7/16

**TITANIC lithograph poster (12/01/2012) - WorthPoint**[www.worthpoint.com](http://www.worthpoint.com) › Worthopedia™

1/10/2020

Yahoo Mail - Fwd: FW: Artist Annamarie Trombetta----Fraudulent Artwork--and links to Fraudulent Artwork

About the Art : Great care was taken to precisely re-create the artist's original image. ... 1972  
**Original Oil Painting Man With Red Umbrella Signed Annamarie ...**  
 You visited this page on 2/16/16.

Plaintiff 000043

EXHIBIT  
 # 20 (19)

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 From: Will Seippel <[will.seippel@worthpoint.com](mailto:will.seippel@worthpoint.com)>  
 Date: Tue, Mar 1, 2016 at 7:04 PM  
 To: Jason Packer <[jason.packer@worthpoint.com](mailto:jason.packer@worthpoint.com)>

Have we taken all of these down? I am not sure if they are the same ones as in the last group she sent.

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Dear Mr. Seippel and Mr. Watkins,

-----  
 From: Will Seippel <[will.seippel@worthpoint.com](mailto:will.seippel@worthpoint.com)>  
 Date: Tue, Mar 1, 2016 at 7:46 PM  
 To: Annamarie Trombetta <[trombettaart@yahoo.com](mailto:trombettaart@yahoo.com)>

I wrote to you on the 20<sup>th</sup> and perhaps you did not receive that email? As a result of that confusion I have requested a delivery and read receipt.



Plaintiff 000044

Yahoo Mail - Fwd: FW: Artist Annamarie Trombetta---Fraudulent Artwork--and links to Fraudulent Artwork

We do not have the information you are requesting. We are only in receipt of images of an item , it's description and sold for price. We have no additional information. We do not get it with the listings and are not licensed to have that type of information.

We have taken down any pages that you have asked to have taken down as a courtesy to you. If you were to go into our site and do a search you would see that. If you are searching on Google, or possibly another search engine, and it is reflecting the past and will take some time for that to clear out of that search engine's memory. Thus we can not help but the page no longer exists on our site for Google or other's to link to.

EXHIBIT (20)  
#20

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#### Annamarie Trombetta - Artist Info

[www.trombettaart.com/info.html](http://www.trombettaart.com/info.html)

•  
•

2001, -Richmondtown Historic Museum,S.I, NY "Plein Air Paintings of Staten ... representation may be, Annamarie Trombetta is enough of an artist to realize that ...

Missing: 1972 oil man red umbrella yqz

You've visited this page many times. Last visit: 2/21/16

Staten Island native's passionate love affair with Central ...

1/10/2020

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[www.silive.com/entertainment/.../annamarie\\_trom...](http://www.silive.com/entertainment/.../annamarie_trom...)

Plaintiff 000045

:

Staten Island Advance

Jan 12, 2015 - Paintings, prints, drawings and photos by Annamarie Trombetta ... resident is showing 80 works — etchings, oil paintings, watercolors, pastels, ...

Missing: 1972 red umbrella yqz

You've visited this page 3 times. Last visit: 1/7/16

EXHIBIT  
#20 (21)

[TITANIC lithograph poster \(12/01/2012\) - WorthPoint](#)[www.worthpoint.com](http://www.worthpoint.com) · Worthopedia™

About the Art : Great care was taken to precisely re-create the artist's original image. ... 1972 Original Oil Painting Man With Red Umbrella Signed Annamarie ...

You visited this page on 2/16/16.

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Allow me to introduce myself to you Mr. Seippel. I am professional artist Annamarie Trombetta. I as well as other people found a listing for a painting entitled 1972 Original Oil Painting Man with Red Umbrella signed Annamarie Trombetta. This is not one of my paintings. There is a photo of a signature A. Trombetta with the eBay logo and Copyright symbol written "Copyrighted work licensed by Worthpoint " with your company logo in yellow next to it. This is not my signature. **Please see attachments.**

On February 3, 2016 I spoke with Mr. Gregory Watkins. Mr. Watkins also stated that you were at a conference in Las Vegas. I asked Mr. Watkins certain questions regarding the artwork falsely attributed to me. I requested that he e-mail me his answers regarding these questions that I had about this artwork on Tuesday February 3, 2016. Today is February 20, 2016 and nothing has been forwarded to me. I have contacted eBay several times prior to contacting your company.

EBay stated that they do not have the name of the seller nor the name of the buyer or the listing for this painting. Ebay expressed several times to me that I need to contact Worthpoint since the listing is on your site..



1/10/2020

Yahoo Mail - Fwd: FW: Artist Annamarie Trombetta---Fraudulent Artwork--and links to Fraudulent Artwork

There are still listing for Worthpoint.com under my name. Under google search for the painting "1972 Original Oil Painting Man with Red Umbrella signed Annamarie Trombetta there is a link entitled **Marilyn Monroe 1988 Vintage Michael Ochs Archive** and also **Thomas Kinkade**. Both Worthpoint sites list 1972 Original Oil Painting Man with Red Umbrella signed Annamarie Trombetta (We only have one site, WorthPoint.com I have no idea what you mean by "Both sites")

Plaintiff 000046

→ Please Read EXHIBIT #20 (22)

which is why they are surfacing under my name and under 1972 Original Oil Painting Man with Red Umbrella signed Annamarie Trombetta.

I do not see anything on these pages you are referring to. Yes you show up in that specific search on google and you are likely to for some time but no content relating to you is any longer on the pages that are presented. It will take some time for that to disappear out of Google's memory. These are the pages, with links that you are referring to.

<http://www.worthpoint.com/worthopedia/titanic-lithograph-poster-48924121>

3 Links to  
① 1972 False  
Posting

<http://www.worthpoint.com/worthopedia/thomas-kinkade-kincaid-everett-48924157>

②

<http://www.worthpoint.com/worthopedia/marilyn-monroe-1988-vintage-michael-48924126>

③

When I spoke to Mr. Watkins on the phone on February 2, 2016 I asked Mr. Watkins the following questions and asked him to forward me the information which he has not done. I have contacted you in order to have these questions answered please:

1) HOW did your company obtained this information -listing for " 1972 Original Oil Painting Man with Red Umbrella signed Annamarie Trombetta "?

We aggregate electronic records under permission from numerous auction houses. The auction house that reported the sale and is listed would have had the record for us to collect.

2) Can you forward me the name of the seller? (no, that is a piece of data we are not allowed to collect so we do not have it.)

3) How long has this link been on your site?? The date of the sale is from December 1, 2012. I will assume from December 1, 2012 and Mr. Watkins agreed during our phone conversation on February 3, 2016. (That is a bad assumption as we are not timely in collecting the data and the time we collect and display the data is not instantaneous or in regular intervals. I am not aware of when this item was posted.)

4) Who owns this painting?? The description is a damaged painting. It also states that there is a signature in RED on the back of the stretcher. This signature is outside of the photo of a signature A.Trombetta. The painting is dated 1972--Do you know how

old I would have been at the time the painting has been dated? I have no idea when you were born so I can not relate your age to 1972. I also have no idea of who bought the painting or who currently is in possession of it.

5) Who provided you with the photo of the signature A.Trombetta? Again I assure it is not my signature. Any photos that were with this would have been from the listing. I do not know what your signature looks like and we did not create it.



Plaintiff 000047

Yahoo Mail - Fwd: FW: Artist Annamarie Trombetta---Fraudulent Artwork--and links to Fraudulent Artwork

6) The Worthpoint description of this painting states that there are 12 photos. Below is the text that is on the page for this painting. Where did you get my biography?? It is so specific it is definitely mine. That would have been posted by the seller. We do not write descriptions for any items.

7) I did sign up for the Free Trial in order to obtain the information below. If there is a purchase price of \$181.50 duly documented and listed there was a financial transaction and there should be a receipt of payment for this item. May I have this information as well? We are only a reporting service and not a marketplace. Any transactions that occurred would have originally been with them and we would not have a copy.

Kindly forward any information that you have regarding this painting. The information we had would have been on the site when you looked at it. It would have the price, the auction house sold at, the date, description and images. It is all we had. You saw it. I can not see it any longer to offer any comments as it was deleted at your request.

EXHIBIT 17A(23)

Attached is a printout from February 2016 which lists items and links that are on Worthpoint.com. These items are listed with my unrelated personal and professional links. I have no association to the Worthpoint.com company---data base nor the artwork that is associated with these link. Please review. I am requesting that you kindly remove your links since they have no relation to my personal and professional credentials.

The item was removed at your request. I would suggest going into our search browser on our site to assure yourself this has been removed or you see any other items you think are yours and are not correctly represented. I did a search myself and found 3 Trombetta paintings and none of them were yours. They were all done by men.

Sincerely,

Annamarie Trombetta

**1972 ORIGINAL OIL PAINTING MAN WITH RED UMBRELLA SIGNED ANNAMARIE TROMBETTA YQZ**

- **SOLD FOR:**
- \$181.50
- **ITEM CATEGORY:**
- 
- **SOURCE:**
- eBay
- **SOLD DATE:**
- Dec 01, 2012
- **CHANNEL:**
- Online Auction

This is by Annamarie Trombetta. It is signed on the bottom, but on the back it has written in red on the stretcher, Annamarie Trombetta "Gifted" 1977, "Painted" 1972. To our eyes it looks like it is after the style of Andre Kohn. It is quite large being approx. 48 1/2" tall and 17 1/2" wide. We are calling it shabby chic condition as it has a tear in the canvas, about 5/8" long just to the left of the man's knees, but still such a great painting. For those not familiar with Trombetta, here is information about her from off AskArt as they got it from her website: Annamarie Trombetta (1963 - ) Lived/Active: New York The nature of an artist's life, creativity and growth may be synonymously expressed in the image of an archetypal tree. Beginning with the earthly descendent roots the artist like the tree branches out into its surrounding environmental and celestial world. Both ascend and descend, widening their girth of consciousness while producing visual imagery, weathering each season of change. Thus, I believe it is the nature of the artist and of



1/10/2020

Yahoo Mail - Marilyn Monroe 1988 Vintage Michael Ochs Archive Chanel Perfume ... www.worthpoint.com &gt; Worthopedia™-----Artist Annamarie Tr...

Plaintiff 000050

Marilyn Monroe 1988 Vintage Michael Ochs Archive Chanel Perfume ... www.worthpoint.com &gt; Worthopedia™-----Artist Annamarie Trombetta

From: Annamarie Trombetta (trombettaart@yahoo.com)

To: will@worthpoint.com

Date: Wednesday, January 4, 2017, 11:28 AM EST

EXHIBIT #21

Mr. Sieppel, Plaintiff

Please allow me to Re-introduce myself. My name is Annamarie Trombetta. I am an artist .

Last year I found a MISATtribution of a painting that I did NOT create on your website-- Worthpoint.com which came up on the internet under my name. Specific personal content from my professional biography on my personal artist website was copied, transplanted and posted on your site. A picture of a painted signature on canvas signed A. Trombetta that was NOT MY signature was also photo featured on the Worthpoint.com website listing.

On February 20, 2016 I contacted you via e-mail. Prior to contacting you I had spoken several times with your employer Anita and eventually I was on the phone at length with your webmaster Mr. Gregory Watkins regarding the FRAUDULENT posting of a painting that I did not create. I requested that this Fraudulent listing be permanently removed. I also sent a notice to the company website. SEE BELOW

### Ticket #57565: Artist Annamarie Trombetta---Fraudulent Artwork--and links to Fraudulent Artwork

WorthPoint | Feb 20, 2016 10:24AM EST

Thank you for submitting your request. We have received your request and are working on responding to you as soon as possible. If you have any additional information to add to this case, please reply to this email.

Thanks in advance for your patience and support.

This message was sent to trombettaart@yahoo.com in reference to Case #57565.

[[7e0d850a2b9039a31cbf23ab9ae58ea3fc4a46c9-641

I am contacting you once again **almost a year later** because I found yet again a listing from Worthpoint.com under my name--Annamarie Trombetta artist. Below is today's listing January 4th 2017 of subjects and site which come up when I Google **Annamarie Trombetta artist. PLEASE REVIEW --- The Marilyn Monroe listing** was the **first** place where my name was Falsely associated along with the fraudulent painting and signature attributed to me that was listed on Worthpoint.com.

A year ago I took time, energy and effort to contact you and your company regarding the false attribution and requested that it should be removed. I have NEVER HAD ANY ASSOCIATION with WORTHPOINT.com---NOR have I ever had any business with Worthpoint.com and yet in a Google search for Annamarie Trombetta Artist your company is listed under my name. **This listing is not authentic and has NO RIGHT TO BE LISTED UNDER MY NAME. The Listing from Worthpoint.com is taking up space that should be for my other TRUE credentials --- and should not BE OCCUPIED by your company.**



Plaintiff 000051

I am requesting that you remove this IMMEDIATELY from the internet -- kindly contact Google and responsibly deal with this issue to bring about a PERMANENT ENDING. I do NOT WISH TO BE ASSOCIATED with your company---in ANY WAY. The numerous times that I have had to contact you regarding this issue is an outrage and a waste of my personal time. This is costing me time, effort and energy needlessly and for NO LOGICAL REASON as AGAIN I have contacted your company numerous times.

I am requesting a written response to this e-mail as soon as possible as a confirmation for receipt of this e-mail. Further, I am requesting that you and your company PERMANENTLY remove the association --or connection that Google or the algorithms on any other internet site thereof have between your company ---Worthpoint.com---- and my name Annamarie Trombetta.

Sincerely,  
Annamarie Trombetta

Plaintiff

EXHIBIT

Central Park's Plein Air Past | OutdoorPainter  
www.outdoorpainter.com › Home › Artist Profile

Mar 2, 2015 - "The Destructive Dance of 'Sandy,'" by Annamarie Trombetta ... all this history, and the connections generated by artists, gave me a mission."  
You've visited this page many times. Last visit: 11/2/16

#21

Artist Annamarie Trombetta working on her piano, which ... - Pinterest  
https://www.pinterest.com/pin/177751516514603960/  
Artist Annamarie Trombetta working on her piano, which commemorates the 10- year anniversary of 9/11.  
| See more about Piano, Anniversaries and Artists.  
You've visited this page 2 times. Last visit: 2/16/16

Page 1 - Italian American Museum  
italianamericanmuseum.org/exhibitions/Pleinair.htm

Acclaimed artist Annamarie Trombetta presents a solo exhibition that celebrates the influence of the Italian Macchiaioli (Risorgimento) Artists and the American ...  
You've visited this page many times. Last visit: 10/14/16

artist annamarie trombetta's imagery offers visionary interpretation of ...  
www.italianamericanmuseum.org/news/news\_plein.html

Artist Annamarie Trombetta's "Central Park Imagery," a collection of en plein air works in oils, pastels, watercolors, etchings and drawings will be on display at ...

Staten Island native's passionate love affair with Central Park still ...  
www.silive.com/entertainment/index.ssf/.../annamarie\_trombetta\_takes\_a\_wa.html  
Jan 12, 2015 - STATEN ISLAND, N.Y. — After 20 years and well over a hundred works of art, painter Annamarie Trombetta still hasn't had her fill of Central ...  
You've visited this page many times. Last visit: 11/2/16

Marilyn Monroe 1988 Vintage Michael Ochs Archive Chanel Perfume ...  
www.worthpoint.com › Worthopedia™  
.. Blue Hello Kitty Obey Giant Shepard Fairey Signed & Numbered  
Rare Print · Handmade New Mexican Folk Art Church Birdhouse  
LARGE Lark Sedona ...





EXHIBIT #20 (1)

Jason Packer <jason.packer@worthpoint.com>

**FW: Marilyn Monroe 1988 Vintage Michael Ochs Archive Chanel Perfume ...**  
**www.worthpoint.com › Worthopedia™-----Artist Annamarie Trombetta**

4 messages

Will Seippel <will.seippel@worthpoint.com>  
 To: Jason Packer <jason.packer@worthpoint.com>  
 Cc: Antoine Lyseight <antoine.lyseight@worthpoint.com>

*Defendant*

Wed, Jan 4, 2017 at 11:48 AM

Hi Jason, is there anyway you can stop Google from indexing this to our site? There us nothing on our site from her, just this link that Google keeps recognizing.

**From:** Annamarie Trombetta [mailto:trombettaart@yahoo.com]

**Sent:** Wednesday, January 04, 2017 11:28 AM

**To:** will@worthpoint.com

**Subject:** Marilyn Monroe 1988 Vintage Michael Ochs Archive Chanel Perfume ... www.worthpoint.com › Worthopedia™-----Artist Annamarie Trombetta

Mr. Sieppel,

Please allow me to Re-introduce myself. My name is Annamarie Trombetta. I am an artist . Last year I found a MISATtribution of a painting that I did NOT create on your website--Worthpoint.com which came up on the internet under my name. Specific personal content from my professional biography on my personal artist website was copied, transplanted and posted on your site. A picture of a painted signature on canvas signed A. Trombetta that was NOT MY signature was also photo featured on the Worthpoint.com website listing.

On February 20, 2016 I contacted you via e-mail. Prior to contacting you I had spoken several times with your employer Anita and eventually I was on the phone at length with your webmaster Mr. Gregory Watkins regarding the FRAUDULENT posting of a painting that I did not create. I requested that this Fraudulent listing be permanently removed. I also sent a notice to the company website. SEE BELOW

**Ticket #57565: Artist Annamarie Trombetta---Fraudulent Artwork--and links to Fraudulent Artwork**

**WorthPoint** | Feb 20, 2016 10:24AM EST

Thank you for submitting your request. We have received your request and are working on responding to you as soon as possible. If you have any additional information to add to this case, please reply to this email.

Thanks in advance for your patience and support.

This message was sent to trombettaart@yahoo.com in reference to Case #57565.

I am contacting you once again **almost a year later** because I found yet again a listing from Worthpoint.com under my name--Annamarie Trombetta artist. Below is today's listing January 4th 2017 of subjects and site which come up when I Google **Annamarie Trombetta artist. PLEASE REVIEW --- The Marilyn Monroe listing** was the **first** place where my name was Falsely associated along with the fraudulent painting and signature attributed to me that was listed on Worthpoint.com.

WP000132



EXHIBIT #21

A year ago I took time, energy and effort to contact you and your company regarding the false attribution and requested that it should be removed. I have NEVER HAD ANY ASSOCIATION with WORTHPOINT.com---NOR have I ever had any business with Worthpoint.com and yet in a Google search for Annamarie Trombetta Artist your company is listed under my name. **This listing is not authentic and has NO RIGHT TO BE LISTED UNDER MY NAME. The Listing from Worthpoint.com is taking up space that should be for my other TRUE credentials ---and should not BE OCCUPIED by your company.**

(2)

I am requesting that you remove this IMMEDIATELY from the internet -- kindly contact Google and responsibly deal with this issue to bring about a PERMANENT ENDING. I do NOT WISH TO BE ASSOCIATED with your company---in ANY WAY. The numerous times that I have had to contact you regarding this issue is an outrage and a waste of my personal time. This is costing me time, effort and energy needlessly and for NO LOGICAL REASON as AGAIN I have contacted your company numerous times.

I am requesting a written response to this e-mail as soon as possible as a confirmation for receipt of this e-mail. Further, I am requesting that you and your company PERMANENTLY remove the association --or connection that Google or the algorithms on any other internet site thereof have between your company ---Worthpoint.com---- and my name Annamarie Trombetta.

Sincerely,

Annamarie Trombetta

Defendant

Central Park's Plein Air Past | OutdoorPainter

[www.outdoorpainter.com](http://www.outdoorpainter.com) > Home > Artist Profile

1.

Mar 2, 2015 - "The Destructive Dance of 'Sandy,'" by Annamarie Trombetta ... all this history, and the connections generated by artists, gave me a mission."

You've visited this page many times. Last visit: 11/2/16

Artist Annamarie Trombetta working on her piano, which ... - Pinterest

<https://www.pinterest.com/pin/177751516514603960/>

Artist Annamarie Trombetta working on her piano, which commemorates the 10- year anniversary of 9/11. | See more about Piano, Anniversaries and Artists.

You've visited this page 2 times. Last visit: 2/16/16

Page 1 - Italian American Museum

[italianamericanmuseum.org/exhibitions/Pleinair.htm](http://italianamericanmuseum.org/exhibitions/Pleinair.htm)

1.

Acclaimed artist Annamarie Trombetta presents a solo exhibition that celebrates the influence of the Italian Macchiaioli (Risorgimento) Artists and the American ...

You've visited this page many times. Last visit: 10/14/16

artist annamarie trombetta's imagery offers visionary interpretation of ...

[www.italianamericanmuseum.org/news/news\\_plein.html](http://www.italianamericanmuseum.org/news/news_plein.html)

1.



Artist Annamarie Trombetta's "Central Park Imagery," a collection of en plein air works in oils, pastels, watercolors, etchings and drawings will be on display at ...

Staten Island native's passionate love affair with Central Park still ...

[www.silive.com/entertainment/index.ssf/.../annamarie\\_trombetta\\_takes\\_a\\_wa.html](http://www.silive.com/entertainment/index.ssf/.../annamarie_trombetta_takes_a_wa.html)

Jan 12, 2015 - STATEN ISLAND, N.Y. — After 20 years and well over a hundred works of art, painter Annamarie Trombetta still hasn't had her fill of Central ...

You've visited this page many times. Last visit: 11/2/16

EXHIBIT #21  
(3)

Marilyn Monroe 1988 Vintage Michael Ochs Archive Chanel Perfume ...

[www.worthpoint.com](http://www.worthpoint.com) › Worthopedia™

.. Blue Hello Kitty Obey Giant Shepard Fairey Signed & Numbered Rare Print · Handmade New Mexican Folk Art Church Birdhouse LARGE Lark Sedona ...

---

Jason Packer <jason.packer@worthpoint.com>  
To: Will Seippel <will.seippel@worthpoint.com>  
Cc: Antoine Lyseight <antoine.lyseight@worthpoint.com>

Wed, Jan 4, 2017 at 9:49 PM

I filed a temporary removal request with Google which may help flush out that URL, but since that URL is showing up for that search based on off-page signals that may not be enough to get it to stop showing.

Beyond that the only thing we could do is remove the URL altogether, let me know if I should do that.

[Quoted text hidden]

---

Will Seippel <will.seippel@worthpoint.com>  
To: Jason Packer <jason.packer@worthpoint.com>

Wed, Jan 4, 2017 at 9:51 PM

I would remove it if not too much trouble.

Happy New Year!

Will

[Quoted text hidden]

---

Jason Packer <jason.packer@worthpoint.com>  
To: Will Seippel <will.seippel@worthpoint.com>

Thu, Jan 5, 2017 at 8:20 AM

Sure thing, removed.

[Quoted text hidden]



[Print](#) | [Close Window](#)

EAI000067

**Subject:** Receipt for Your Payment to WorthPoint Corporation

**From:** "service@paypal.com" <service@paypal.com>

**Date:** Mon, Jul 11, 2016 4:47 pm

**To:** "Estate Auctions, Inc." <ebay@estateauctionsinc.com>

EXHIBIT # 22A

Jul 11, 2016 13:47:18 PDT | Transaction ID: 1EC8773320517035A

Hello Estate Auctions, Inc.,

You sent a payment of \$19.99 USD to WorthPoint Corporation  
(support@worthpoint.com)

It may take a few moments for this transaction to appear in your account.

---

**Merchant:**

WorthPoint Corporation  
support@worthpoint.com

**Instructions to merchant:**

You haven't entered any instructions.

---

**Purchase Details**

---

**Description:**

Unit price: \$19.99 USD

Qty: 1

Amount: \$19.99 USD

Subtotal: \$19.99 USD

Total: \$19.99 USD

Payment: \$19.99 USD

Payment sent to: support@worthpoint.com

Invoice ID: P00258531

---

**Issues with this transaction?**

You have 180 days from the date of the transaction to open a dispute in the Resolution Center.

Questions? Go to the Help Center at [www.paypal.com/help](http://www.paypal.com/help).

Please do not reply to this email. This mailbox is not monitored and you will not receive a response. For assistance, log in to your PayPal account and click Help in the top right corner of any PayPal page.

You can receive plain text emails instead of HTML emails. To change your Notifications preferences, log in to your account, go to your Profile, and click My settings.

---

Copyright © 1999-2016 PayPal. All rights reserved.

PPID PP120 - 3ef002076e39b



EXHIBIT #25A

Plaintiff's Evidence 000604

**RESPONSE:** WorthPoint objects to this request on the grounds that it is more appropriately directed to Norb Novocin. WorthPoint further objects to the extent that this request seeks proprietary business information and information as to WorthPoint's members.

page 3

Subject to and without waiving the foregoing objections, WorthPoint confirms that Norb Novocin is a paid subscriber to worthpoint.com from May 15, 2014 to present.

→ Worth Point's Record for Norb

**Plaintiff's Interrogatory No. 3**

State in writing the dates of employment (the months and years) when Gregory Watkins was employed at WorthPoint Corporation. If you claim that part of any response is privileged or otherwise immune from discovery; (a) identify the grounds for your claim of privilege or immunity (b) identify the privileged documents or Photographs (c) provide all information which responds to this request and does not fall within your claim of privilege or other immunity.

Novocin  
Membership

**RESPONSE:** September 2008 through April 2016.

May 15, 2014

**Plaintiff's Interrogatory No. 4**

State in writing the last day of employment (the months and years) when Gregory Watkins was no longer employed at WorthPoint Corporation. If you claim that part of any response is privileged or otherwise immune from discovery; (a) identify the grounds for your claim of privilege or immunity (b) identify the privileged documents or Photographs (c) provide all information which responds to this request and does not fall within your claim of privilege or other immunity.

**RESPONSE:** WorthPoint objects to this request on the grounds that it is duplicative insofar as Interrogatory No. 3 requests the last date of employment as well. Mr. Watkins was no longer employed by WorthPoint after April 2016; the exact date is not available. Mr. Watkins performed services for WorthPoint in an independent contractor capacity until September 2016.

**Plaintiff's Interrogatory No. 5**

State in writing the dates of employment (the month and years) when Anita Brooks was employed at WorthPoint Corporation. If you claim that part of any response is privileged or otherwise immune from discovery; (a) identify the grounds for your claim of privilege or immunity (b) identify the privileged documents or Photographs (c) provide all information





Clear

EAI000069

+ Add New Filter

Status ▾

Balance ▾

Invoice Date ▾

Customer Name ▾

Invoice Number ▾

Quick filter ▾

Invoice Number	Customer Name	Total Price	Balance	Invoice Date	Status
INV01535031	Norb Novocin	22.99 USD	0.00 USD	11/11/2022	POSTED
INV01504296	Norb Novocin	22.99 USD	0.00 USD	10/11/2022	POSTED
INV01473417	Norb Novocin	22.99 USD	0.00 USD	9/11/2022	POSTED
INV01441929	Norb Novocin	22.99 USD	0.00 USD	8/11/2022	POSTED
INV01410135	Norb Novocin	19.99 USD	0.00 USD	7/11/2022	POSTED
INV01377892	Norb Novocin	19.99 USD	0.00 USD	6/11/2022	POSTED
INV01345037	Norb Novocin	19.99 USD	0.00 USD	5/11/2022	POSTED
INV01312374	Norb Novocin	19.99 USD	0.00 USD	4/11/2022	POSTED
INV01278738	Norb Novocin	19.99 USD	0.00 USD	3/11/2022	POSTED
INV01244492	Norb Novocin	19.99 USD	0.00 USD	2/11/2022	POSTED
INV01209881	Norb Novocin	19.99 USD	0.00 USD	1/11/2022	POSTED
INV01176053	Norb Novocin	19.99 USD	0.00 USD	12/11/2021	POSTED
INV01142449	Norb Novocin	19.99 USD	0.00 USD	11/11/2021	POSTED
INV01108267	Norb Novocin	19.99 USD	0.00 USD	10/11/2021	POSTED
INV01076084	Norb Novocin	19.99 USD	0.00 USD	9/11/2021	POSTED
INV01044859	Norb Novocin	19.99 USD	0.00 USD	8/11/2021	POSTED
INV01014749	Norb Novocin	19.99 USD	0.00 USD	7/11/2021	POSTED
INV00985814	Norb Novocin	19.99 USD	0.00 USD	6/11/2021	POSTED
INV00957447	Norb Novocin	19.99 USD	0.00 USD	5/11/2021	POSTED
INV00929544	Norb Novocin	19.99 USD	0.00 USD	4/11/2021	POSTED

20 ▾ 1-20

EXHIBIT #22 A



View

EAI000070

Status ▾ + Add New Filter

Balance ▾

Invoice Date ▾

Customer Name ▾

Invoice Number ▾

▾

Quick filter

Invoice Number	Customer Name	Total Price	Balance	Invoice Date	Status
INV00902084	Norb Novocin	19.99 USD	0.00 USD	3/11/2021	POSTED
INV00876222	Norb Novocin	19.99 USD	0.00 USD	2/11/2021	POSTED
INV00850327	Norb Novocin	19.99 USD	0.00 USD	1/11/2021	POSTED
INV00824989	Norb Novocin	19.99 USD	0.00 USD	12/11/2020	POSTED
INV00799854	Norb Novocin	19.99 USD	0.00 USD	11/11/2020	POSTED
INV00774951	Norb Novocin	19.99 USD	0.00 USD	10/11/2020	POSTED
INV00750973	Norb Novocin	19.99 USD	0.00 USD	9/11/2020	POSTED
INV00727916	Norb Novocin	19.99 USD	0.00 USD	8/11/2020	POSTED
INV00705791	Norb Novocin	19.99 USD	0.00 USD	7/11/2020	POSTED
INV00685383	Norb Novocin	19.99 USD	0.00 USD	6/11/2020	POSTED
INV00666353	Norb Novocin	19.99 USD	0.00 USD	5/11/2020	POSTED
INV00648013	Norb Novocin	19.99 USD	0.00 USD	4/11/2020	POSTED
INV00629563	Norb Novocin	19.99 USD	0.00 USD	3/11/2020	POSTED
INV00610634	Norb Novocin	19.99 USD	0.00 USD	2/11/2020	POSTED
INV00592271	Norb Novocin	19.99 USD	0.00 USD	1/11/2020	POSTED
INV00574802	Norb Novocin	19.99 USD	0.00 USD	12/11/2019	POSTED
INV00557991	Norb Novocin	19.99 USD	0.00 USD	11/11/2019	POSTED
INV00541609	Norb Novocin	19.99 USD	0.00 USD	10/11/2019	POSTED
INV00525433	Norb Novocin	19.99 USD	0.00 USD	9/11/2019	POSTED
INV00509084	Norb Novocin	19.99 USD	0.00 USD	8/11/2019	POSTED

20 ▾ 21 - 40

EXHIBIT # 22A



— Same As EAI000072

Clear

EAI000071

Status + Add New Filter

Balance

Invoice Date

Customer Name

Invoice Number

Quick filter

Invoice Number	Customer Name	Total Price	Balance	Invoice Date	Status
VV00492812	Norb Novocin	19.99 USD	0.00 USD	7/11/2019	POSTED
VV00477284	Norb Novocin	19.99 USD	0.00 USD	6/11/2019	POSTED
VV00461888	Norb Novocin	19.99 USD	0.00 USD	5/11/2019	POSTED
VV00446779	Norb Novocin	19.99 USD	0.00 USD	4/11/2019	POSTED
VV00431944	Norb Novocin	19.99 USD	0.00 USD	3/11/2019	POSTED
VV00417734	Norb Novocin	19.99 USD	0.00 USD	2/11/2019	POSTED
VV00403854	Norb Novocin	19.99 USD	0.00 USD	1/11/2019	POSTED
VV00390575	Norb Novocin	19.99 USD	0.00 USD	12/11/2018	POSTED
VV00377238	Norb Novocin	19.99 USD	0.00 USD	11/11/2018	POSTED
VV00364031	Norb Novocin	19.99 USD	0.00 USD	10/11/2018	POSTED
VV00350407	Norb Novocin	19.99 USD	0.00 USD	9/11/2018	POSTED
VV00337846	Norb Novocin	19.99 USD	0.00 USD	8/11/2018	POSTED
VV00325922	Norb Novocin	19.99 USD	0.00 USD	7/11/2018	POSTED
VV00314793	Norb Novocin	19.99 USD	0.00 USD	6/11/2018	POSTED
VV00303924	Norb Novocin	19.99 USD	0.00 USD	5/11/2018	POSTED
VV00293252	Norb Novocin	19.99 USD	0.00 USD	4/11/2018	POSTED
VV00282853	Norb Novocin	19.99 USD	0.00 USD	3/10/2018	POSTED
VV00272819	Norb Novocin	19.99 USD	0.00 USD	2/11/2018	POSTED
VV00262827	Norb Novocin	19.99 USD	0.00 USD	1/11/2018	POSTED
VV00253101	Norb Novocin	19.99 USD	0.00 USD	12/11/2017	POSTED

20 41 - 60

EXHIBIT #22



Same As 000071



Clear

EAI000072

+ Add New Filter

Status ▾

Invoice Date ▾

Customer Name ▾

Invoice Number ▾



Quick filter

Invoice Number	Customer Name	Total Price	Balance	Invoice Date	Status
VV00492812	Norb Novocin	19.99 USD	0.00 USD	7/11/2019	POSTED
VV00477284	Norb Novocin	19.99 USD	0.00 USD	6/11/2019	POSTED
VV00461888	Norb Novocin	19.99 USD	0.00 USD	5/11/2019	POSTED
VV00446779	Norb Novocin	19.99 USD	0.00 USD	4/11/2019	POSTED
VV00431944	Norb Novocin	19.99 USD	0.00 USD	3/11/2019	POSTED
VV00417734	Norb Novocin	19.99 USD	0.00 USD	2/11/2019	POSTED
VV00403854	Norb Novocin	19.99 USD	0.00 USD	1/11/2019	POSTED
VV00390575	Norb Novocin	19.99 USD	0.00 USD	12/11/2018	POSTED
VV00377238	Norb Novocin	19.99 USD	0.00 USD	11/11/2018	POSTED
VV00364031	Norb Novocin	19.99 USD	0.00 USD	10/11/2018	POSTED
VV00350407	Norb Novocin	19.99 USD	0.00 USD	9/11/2018	POSTED
VV00337846	Norb Novocin	19.99 USD	0.00 USD	8/11/2018	POSTED
VV00325922	Norb Novocin	19.99 USD	0.00 USD	7/11/2018	POSTED
VV00314793	Norb Novocin	19.99 USD	0.00 USD	6/11/2018	POSTED
VV00303924	Norb Novocin	19.99 USD	0.00 USD	5/11/2018	POSTED
VV00293252	Norb Novocin	19.99 USD	0.00 USD	4/11/2018	POSTED
VV00282853	Norb Novocin	19.99 USD	0.00 USD	3/10/2018	POSTED
VV00272819	Norb Novocin	19.99 USD	0.00 USD	2/11/2018	POSTED
VV00262827	Norb Novocin	19.99 USD	0.00 USD	1/11/2018	POSTED
VV00253101	Norb Novocin	19.99 USD	0.00 USD	12/11/2017	POSTED

20 ▾

41 - 60



EXHIBIT #22A



Exhibit B #22

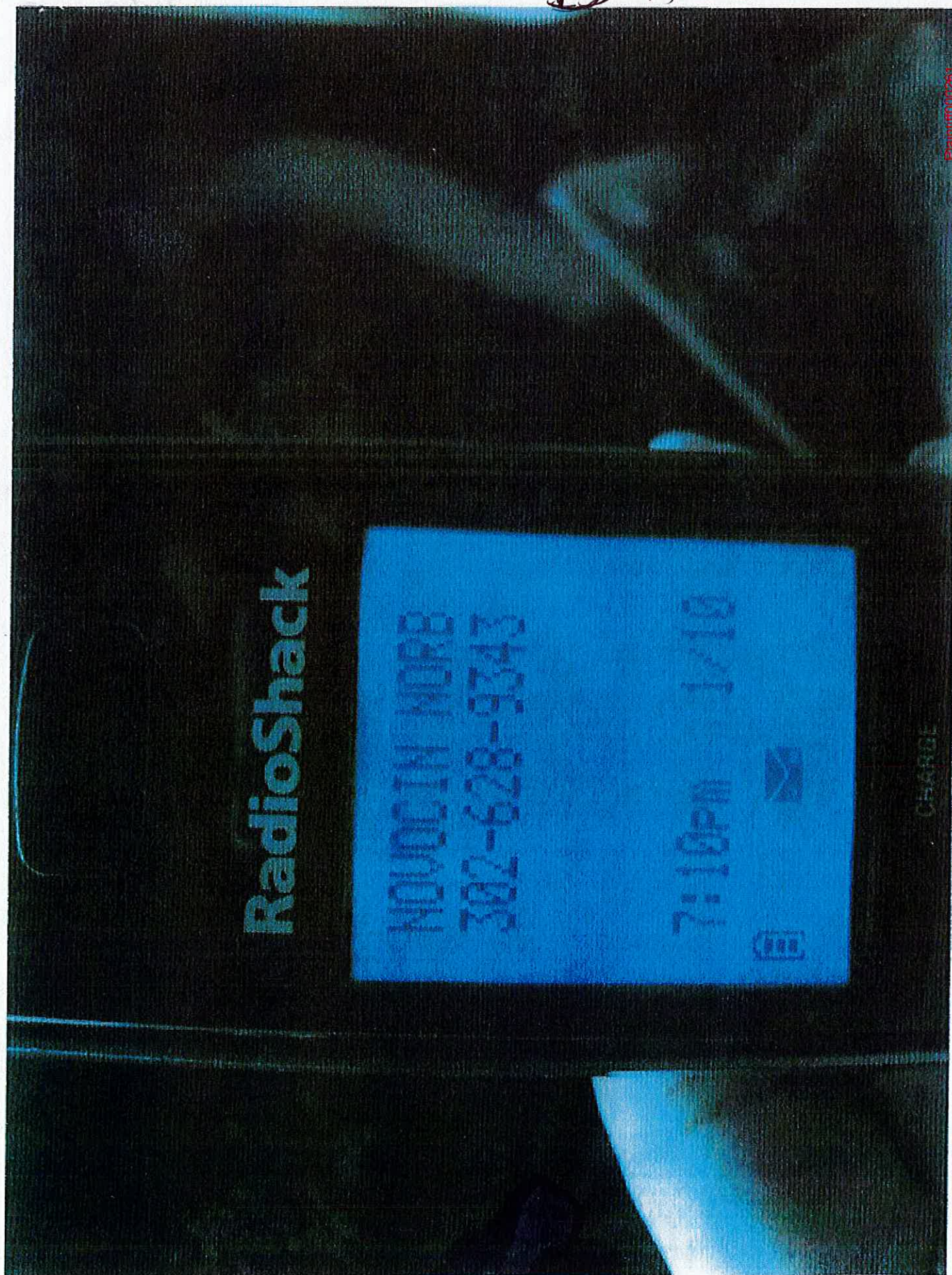




EXHIBIT # ~~00~~ 23 ~~00~~ Page 8

EBay Customer Service

We can only provide if we have an item number. I can provide the item number. All right.

00;14;38;18 - 00;14;41;13

Annamarie Trombetta

Thank you

EBay Customer Service  
please. Stay on the line.

00;14;41;13 - 00;14;41;26

Annamarie Trombetta

I will.

00;14;42;18 - 00;14;43;10

EBay Customer Service

I will Be placing you on hold.

00;14;43;19 - 00;14;45;01

Annamarie Trombetta

Thank you. Thank you.

00;14;46;11 - 00;14;48;06

EBay Customer Service

Thanks so much for staying on line here Anna

00;14;48;08 - 00;14;49;15

Annamarie Trombetta

Yes. And your name?

EBay Customer Service

Yeah, my name is Jamie,

00;14;53;05 - 00;14;57;27

Annamarie Trombetta

Jamie. Jamie, what do you mean by it was a third party seller.

00;14;58;17 - 00;15;01;06

Jamie EBay Customer Service

Um, it's like they're using a third party application.

00;15;02;18 - 00;15;03;10

Annamarie Trombetta

Who is using.

00;15;03;10 - 00;15;09;11

Jamie EBay Customer Service

A open third party apps on their account. And regarding that, that is actually not from ebay anymore.

00;15;09;17 - 00;15;12;14

Annamarie Trombetta

EBAY  
Phone Transcript



EXHIBIT # 23

Page 19

00;40;32;10 - 00;40;40;26

**Archer**

eBay. Yeah. But if I'm going to be the one to create this page, I can get and add any webpage 's link, to any link on my page not just eBay

00;40;41;19 - 00;40;48;07

**Annamarie Trombetta**

Well, let me ask you this. Can an unknown party put anything on the Internet.

00;40;52;01 - 00;40;56;04

**Archer**

that's possible.

00;40;56;17 - 00;41;20;04

**Annamarie Trombetta**

That's possible.

**Archer**

Yeah, it's coding.

**Annamarie Trombetta**

Coding. Well, how would you know whether it was coded because that would solve the riddle that an unknown party put this on the Internet. Would that be in the URL of worth point

00;41;23;12 - 00;41;27;09

**Archer**

I really can't understand this information. That said, assist you further. Like getting those information We need to find out for their seller is, but I don't have much information to link it to our database.

00;41;36;28 - 00;41;57;28

**Annamarie Trombetta**

OK, so is there anybody or any department, maybe a legal department that I can contact to find out how I can either determine who the seller is or possibly to get this link with eBay off the Internet.

00;42;01;01 - 00;42;06;26

**Archer**

And if they help you further, I can't pull up any correct information associated with the sale now because it's UNDEFINED Nothing is showing up here ...Ah ..just the source.. that it's sold on eBay.

00;42;16;08 - 00;42;33;13

**Annamarie Trombetta**

OK, if its undefined, but what's not undefined is the association of my name with your company with WorthPoint and with this piece of artwork and with the signature, it is my name that is being used.

00;42;35;19 - 00;42;46;12

**Archer**

1972 Man With Red  
Undefined Umbrella  
Sale

Nothing on the  
About Monetize my  
Biography

EXHIBIT # 24

Page 173

1 A. Trombetta

2 A. All the imagery in this catalog.

3 Q. Do you see the TBA in that sentence?

4 A. I do not see the TBA.

5 Q. So the fact that the biography entry  
6 that is in the eBay listing doesn't have a TBA and  
7 Mr. Novocin claims he got it from Ask Art, would  
8 this indicate to you that this is what he had  
9 taken?

10 A. This indicates nothing conclusive, in  
11 my opinion.

12 Q. But you have no evidence that  
13 Worthpoint purposely removed the TBA; correct?

14 A. Sir, during discovery I asked your  
15 firm for several forms of evidence predominantly  
16 the metadata, the actual dated  
17 eBay/Worthpoint/worthopedia documents or ad and  
18 you have not produced them. So if you don't have  
19 the evidence based on my evidence, based on my  
20 experiences of consistent, contradictory  
21 statements, I can affirm once again, I did not do  
22 the painting. I did not grant any person,  
23 business, legal entity at any time the rights to  
24 license or use my self-authored biography.

25 Q. But you have no evidence that



11

Show the previous page

identitytheft.gov

FCC Complaints

FCC Complaints

Identity Theft Recov



FEDERAL TRADE COMMISSION

# Identity Theft Report

FTC Report Number:  
106617876

I am a victim of identity theft. This is my official statement about the crime.

## Contact Information

<b>First Name:</b>		<b>Last Name:</b>	
Annamarie		Trombetta	
<b>Address:</b>	<b>Phone:</b>		<b>Email:</b>
175 East 96th Street, 12 R New York, 10128 USA	212-427-5990		atrombettaart@gmail.com

## Personal Statement

I contacted all the companies that posted the fraudulent listing of the signature A. Trombetta with my personal Biography found in 2015. The Companies are e Bay -Worthpoint.com and the company that sold this fraudulent painting Estate Auctions. I contacted Estate Auctions by e-mail. The owner of the company Norbert Novicin phoned me back to tell me he could not tell me who bought the painting. I informed him that I did Not create this painting. I informed him that he and the company wrongfully used my biography-- without my permission -- I did not create the sold painting nor was photo signature that was featured mine. The description of the painting stated it was signed Annamarie Trombetta yet the photo was A. Trombetta. The painting was damaged --torn in two places. In addition the the year it was done is 1972. I would have been 9 years old. My bio states my formal training began in high school. This is Identity Theft as they used my personally to financially sell--gain money



Yahoo Mail - Re: Annamarie Trombetta---Possible things to investigate and bring to Tracy Conn's Attention

4/7/22, 6:12 PM

Re: Annamarie Trombetta---Possible things to investigate and bring to Tracy Conn's Attention

From: Aaron M. Rubin (~~aaron.m.rubin@gmail.com~~)

To: [trombettaart@yahoo.com](mailto:trombettaart@yahoo.com)

Date: Thursday, September 3, 2015, 02:59 PM EDT

EXHIBIT #25  
(4)

Annamarie this looks great. I will try to send it before the weekend but it might have to be Tuesday after the long weekend. I am working on meeting a filing deadline by end of tomorrow so I may not be able to get to it. I will let you know of course.

Aaron M. Rubin, Esq.

9 East 40<sup>th</sup> Street, 11<sup>th</sup> Floor  
New York, New York 10016  
(212) 725-4600

On Thu, Sep 3, 2015 at 10:58 AM, Annamarie Trombetta <[trombettaart@yahoo.com](mailto:trombettaart@yahoo.com)> wrote:

Aaron,

1) On June 3, 2015 an unknown sender from the location of Atlanta Georgia sent me an e-mail via my website devoid of a salutation-name or e-mail address. I traced the IP to Atlanta-Smyrna and Tucker Georgia.

This was validated by the Fifth Avenue Apple Store

3) I found a website named Worthpoint.com under a google search my name which claims that I am the artist who painted an oil entitled "Man with the Red Umbrella" in 1972. I read the biography and this is indeed my information however it is not my artwork nor signature. There is a photo of the signature which is indeed fraudulent. The Worth point company is in Atlanta Georgia.

Plaintiff000239



EXHIBIT # 25 (3)

The Legal Process requires evidence-----Unfortunately I need your assistance---One of Two e-mails

From: Annamarie Trombetta (trombettaart@yahoo.com)

To: randy.rose@nypd.org

Date: Sunday, August 9, 2015, 10:33 AM EDT

Date August 9, 2015

Detective Rose,

I know you are busy--and I am thankful for your help. Unfortunately I need you or someone else to validate this information.

The Legal system requires evidence for any enforcement procedures. During yesterday's conversation I was simply trying to communicate that there is definite connections and patterns to my case of Agg. Harassment and it is Atlanta Georgia

A) Three facts point to Atlanta Georgia---1) E-mail sent to me on June 3rd  
2) \_\_\_\_\_ com and the RESELLER  
is \_\_\_\_\_ **Atlanta Georgia**

3) The new finding a fraudulent artwork for sell with my biography is on Worthpoint.com . The address for this company is © 2015 - WorthPoint Corporation | 3525 Piedmont Road NE, Building 5, Suite 435, Atlanta, GA 30305 | 877.481.5750

1) This Unknown e-mail sent to my website address on June 3rd. When I ran the IP address it was coming from **Atlanta Georgia** Below are contact tel. Numbers for Att and for the IP NUMBER from the sender of the bogus e-mail. I Need someone from Law enforcement to run the IP address for this e-mail that was sent---Whoever owns the Smartphone/IPhone is

that you get back to me on this. Please give me some kind of evidence from NEW YORK that I could take to the Atlanta Police Dept.

Sincerely,

Annamarie Trombetta Case #3:

Whois Lo

Whois Server

whois.arin.net

Status

LEGACY

Contact Email

Registrant

AT&T Internet Services  
3300 E Renner Rd  
Mailroom B2139

Fraudulent Artwork  
© 2015 Worth Point  
Reported to New York  
Police Detective Randy  
Rose on August 9, 2015





219 P.1

Annual Free Credit Report 877-

322-8228

Prepared for: ANNAMARIE TROMBETTA

Date: October 10, 2017

Report number

Page 1 of 4

Dear ANNAMARIE TROMBETTA

As you requested, we have placed a security freeze on your personal credit report from Experian. Your personal identification number is 000004073842615. Please retain the number as you must submit this number in order to temporarily or permanently remove the security freeze from your credit report. If you would like to create a single-use personal identification number to be used by a certain credit grantor, log on to [www.experian.com/freeze](http://www.experian.com/freeze).

EXHIBIT

#25

(2)

PO Box 9701  
Allen, TX 75013



0000838 01 AB 0.400 \*\*AUTO T4 2 7242 10128 620648 -C01-P00838-1  
ANNAMARIE TROMBETTA  
175 E 96TH ST APT 12R  
NEW YORK NY 10128-6206



Scan me with your smart phone  
for special offers from Experian.

To temporarily remove a security freeze for a period of time in order to apply for credit or for any transaction that requires that another party access your personal credit report, log on to [www.experian.com/freeze](http://www.experian.com/freeze) or call 1 (888) EXPERIAN (1 888 397-3742), then enter your identification information and personal identification number. To temporarily remove a security freeze for a specific party, provide your single-use personal identification number to the party you wish to grant access to your report.

Fees to temporarily remove a security freeze by state are: Alabama, California, Colorado, Florida, Guam, Illinois, Kentucky, Michigan, Mississippi, Nevada, New Hampshire, Oklahoma, Oregon, Rhode Island, Utah, Wisconsin and Wyoming - \$10; Connecticut - \$10.64\*; South Dakota - \$10.65\*; Pennsylvania - \$10.70\*; Texas - \$10.83\*; Washington - \$11.01\*; Puerto Rico - \$11.15\*; Iowa - \$12; Idaho - \$6; Arizona, Arkansas, Kansas, Maryland, Massachusetts, Minnesota, Missouri, New Jersey, North Dakota, Ohio and Vermont - \$5; Hawaii - \$5.20\*; New Mexico - \$5.26\*; West Virginia - \$5.30\*; New York - \$5.44\*; Louisiana - \$6; Georgia, Montana and Nebraska - \$3; Alaska - \$2. (\* includes taxes)

All other states have no charge for temporarily removing a security freeze. There is no fee in any state for victims of identity theft who provide a copy of a valid identity theft report filed with a law enforcement agency.

To permanently remove a security freeze, log on to [www.experian.com/freeze](http://www.experian.com/freeze) or call 1 (888) EXPERIAN (1 888 397-3742). You also may write to us (Washington, D.C. residents must request permanent removal of a security freeze in writing). Send your request to: Experian Security Freeze, P.O. Box 9554, Allen, TX 75013.

Be sure to include the following information:

- Your full name including middle initial (and generation such as JR, SR, II, III)
- Social Security number



WorthPoint Corp. Plaintiff Trombetta  
Supplemental Rule 37 Responses

TransUnion LLC  
PO Box 805  
Woodlyn, PA 19094-0805



Plaintiff's Evidence 000690

File Number:

Page:

Date Issued:

1 of 4

10/10/2017

TransUnion.

217

Page 1

EXHIBIT

#25  
(2)  
(1)

P7HMH000302134-1009643-041351471



ANNAMARIE M TROMBETTA  
175 E 96TH ST APT 12R  
NEW YORK, NY 10128-6206

Thank you for contacting TransUnion. Our goal is to maintain complete and accurate information on consumer credit reports. We have provided the information below in response to your request.

At your request, a TransUnion Security Freeze has been added to your credit report. Please keep this letter for future reference.

This Security Freeze will remain on your credit report until you request its removal in writing. If you change your state of residence, you must notify us in order to update your address and have the security freeze rules and any applicable fees applied for that state. Should you wish to temporarily or permanently remove the TransUnion Security Freeze from your credit report, you will need to provide TransUnion with your Security Freeze Personal Identification Number (PIN), which is listed below. Also listed below is the fee you were charged for adding the freeze to your credit report.

PIN: ~~XXXXXXXXXX~~ Fee: ~~\$0.00~~

Re: Security Freeze

You may obtain a new TransUnion Security Freeze Personal Identification Number (PIN).

If you know your current PIN, you may call (888) 909-8872. You may be asked to verify your identity again.

If you do not know your PIN or you have lost the PIN that was issued to you when you added the Security Freeze to your credit file, you may request a new one by writing to the address below. Please provide proof of identification, such as a copy of your driver's license, passport, birth certificate or other proper identification forms. For additional information on replacing your lost PIN, call our toll free Telephone Number (888) 909-8872.

Re: Security Freeze

What does a Security Freeze mean?

When your TransUnion credit report is frozen, all third parties whose use is not exempt by law will be unable to access your credit report without your consent. The Security Freeze may delay, interfere with or prohibit the timely approval of any subsequent request or application you make that involves access to your credit report.

Additionally, while your report is frozen, companies that provide consumer data to TransUnion will not be allowed to update name and address information on your credit report. If your name or address changes while your file is frozen, please notify TransUnion directly at the address provided so that we can update your personal information.



EXHIBIT #20

Page 13

00;22;30;04 - 00;22;46;26

**Aldrin**

Not Necessarily it has been standardized since then. So that will be like for you. I need to get that standard number for item numbers at least 48924172 and this will be associated with WorthPoint item numbers.

00;22;47;00 - 00;22;47;13

**Annamarie Trombetta**

Okay.

00;22;48;29 - 00;23;33;27

**Aldrin**

So since it's on your website might have been login register between that specific series of numbers. OK, but do further check on this I'll be needing. to go up to our Listing Policy Department, you know, I'd be looking further into it Together with that if you have access beyond the items that we have here on eBay, all the reports, all the details of the left bank that he might have even requiring this particular item for documents for COPYRIGHT purposes like listing items like this very easy or whatnot, most likely the seller of items was required to provide us (eBay) with documents updated to make sure for us as well that items which We know

**Annamarie Trombetta**

Right

And so I can give you just stay the line for me for a couple of seconds for Our Listing Policy department,

**Annamarie Trombetta**

listing policy department. Thank you.

**Aldrin**

And you're welcome stay on the line please.

00;23;51;15 - 00;23;54;22

**Annamarie Trombetta**

I shall

**FOURTH EBAY SPECIALIST**

00;23;55;22 - 00;24;02;22

**Archer**

Your name please..

**Annamarie Trombetta**

your name is Arthur

**Archer**

Archer.

**Annamarie Trombetta**

Archer. OK, and what department are you from? From eBay?

New EBay Specialist



no evidence that [the former] provided [the latter] with [the infringing material], much less that it authorized or assisted them”). Accordingly, the motion to dismiss Trombetta’s contributory copyright infringement claim against Worthpoint is granted.

## **2. Digital Millennium Copyright Act**

### **a. Statute of Limitations**

EXHIBIT 21

Worthpoint next argues that like her infringement claims, Trombetta’s DMCA claims are time barred. A statute of limitations defense at the pleading stage is only appropriate where it is “clear from the face of the complaint...that the plaintiff’s claims are barred as a matter of law.” *See Sewell*, 795 F.3d at 339.

Here, Trombetta has plausibly alleged conduct by Worthpoint within the three-year statutory period that violates the DMCA. As discussed more substantively below, she plausibly alleges not just that Worthpoint reposted the listing in 2017, but that it did so after she repeatedly informed Worthpoint that the post reproduced her biography without attribution and infringed her registered work. Due to the factual ambiguities with respect to the 2017 post, including the extent to which it relates to the 2015 post, it is not clear at this stage whether Worthpoint did in fact engage in a separate violation of the DMCA in 2017, but it is, nonetheless, a plausible reading of the complaint. It is thus not “clear” from the face of the complaint that Trombetta’s DMCA claims are time-barred as a matter of law. *See Sewell*, 795 F.3d at 339; *see also Fischer v. Forrest*, No. 14-CV-1304 (PAE) (AJP), 2017 WL 128705, at \*7 (S.D.N.Y. Jan. 13, 2017), report and recommendation adopted, 2017 WL 1063464 (S.D.N.Y. Mar. 21, 2017).<sup>6</sup> Accordingly, the Court will turn to the merits of her DMCA claims.

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<sup>6</sup> Relying on a 2019 case from the Ninth Circuit, *Media Rights Techs., Inc. v. Microsoft Corp.*, 922 F.3d 1014, 1026 (9th Cir. 2019), Worthpoint argues that DMCA claims are not governed by the separate-accrual rule, and that Trombetta’s DMCA claims are thus untimely under any reading of the complaint. In *Media Rights*, the Ninth Circuit held that “there is no parallel separate-accrual rule that applies to [Plaintiff’s] DMCA claim.” *Media Rights*, 922 F.3d at 1026. Unlike this case, however, the DMCA claim in *Media Rights* was based on circumvention of copyright protection systems under 17 U.S.C. § 1201. Here, the DMCA claims relate to 17 U.S.C. § 1202, which prohibits alteration or removal of copyright management information (“CMI”) and distribution of altered CMI with the intent to facilitate infringement. The Ninth Circuit’s determination that the separate-accrual rule does not apply to a § 1201 claim does not shed much light on whether the separate-

EXHIBIT

**b. Merits**

Trombetta alleges that Worthpoint violated 17 U.S.C. § 1202(a) and § 1202(b), which prohibit removing copyright information or distributing false or altered copyright information.

#27

As a preliminary matter, a claim under either provision requires there be an underlying copyrighted work and Trombetta has not alleged that any aspect of the post, other than her biography, was a registered work. *See* 17 U.S.C § 1202(c); *see also* *Mango v. BuzzFeed, Inc.*, 970 F.3d 167, 171 (2d Cir. 2020). The Court will therefore only consider the DMCA claims with respect to the biography.

**i. Section 1202(a)**

Section 1202(a) of the DMCA provides that “no person shall knowingly and with the intent to induce, enable, facilitate, or conceal infringement—(1) provide copyright management information that is false, or (2) distribute or import for distribution copyright management information that is false.” 17 U.S.C. § 1202(a). “Copyright management information” (CMI) is a defined term and includes, as relevant here, “the name of, and other identifying information about, the author of a work” and “the name of, and other identifying information about, the copyright owner of the work, including the information set forth in a notice of copyright.” 17 U.S.C. § 1202(c)(2)–(3). “In order to plead a violation of § 1202(a), a plaintiff thus must plausibly allege that [the] defendant knowingly provided

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accrual rule should apply to § 1202 claims. Worthpoint does not cite, and this Court has not found, any court that has held that the separate-accrual rule endorsed by the Supreme Court in *Petrella* does *not* apply to DMCA claims under § 1202. In fact, the Supreme Court’s discussion of the separate-accrual rule—“each infringing act starts a new limitations period”—suggests that successive violations of § 1202 would trigger new limitations periods. *Petrella*, 572 U.S. at 671. At least two courts, one in this district, have assumed, without directly addressing the question, that the separate-accrual rule applied to DMCA claims under § 1202. *See Fischer v. Forrest*, No. 14-CV-1304 (PAE) (AJP), 2017 WL 128705, at \*7, \*7 n.7 (S.D.N.Y. Jan. 13, 2017), report and recommendation adopted, 2017 WL 1063464 (S.D.N.Y. Mar. 21, 2017); *Free Speech Sys., LLC v. Menzel*, 390 F. Supp. 3d 1162, 1170, 1175 (N.D. Cal. 2019) (citing *Media Rights* for its holding that the separate-accrual rule applies to successive acts of infringement and, separately, deciding the DMCA claims under § 1202 on the merits). Due to the factual ambiguities as to whether the 2017 post was, in fact, a repost, and the sparse description of exactly how the 2017 post was reposted, it is not clear whether Trombetta’s claim based on the 2017 post would constitute a separate accrual relating to the initial post in 2015, or a separate claim altogether. At this stage, because the Court cannot definitively find that her DMCA claim was a new claim or was a separate accrual of the initial claim, the separate-accrual question is not dispositive. As such, the Court need not decide this issue.



EXHIBIT #27

false copyright information *and* that the defendant did so with the intent to induce, enable, facilitate, or conceal an infringement.” *Krechmer v. Tantaros*, 747 F. App’x. 6, 9 (2d. Cir. 2018).

Trombetta’s complaint alleges that Worthpoint’s affixation of its own copyright notice to the images and description constitutes false CMI. *See* Compl. at 5–6 (Worthpoint “added a photograph of the signature in oil on canvas ‘A. Trombetta’ a copyright symbol...and the statement ‘copyright work licensed by Worthpoint.’”). Trombetta also states that the use of her biography was unauthorized and that she contacted Worthpoint to inform the company of the “false posting.” *Id.* at 6. In other words, her biography was not “licensed by Worthpoint” as the webpage claimed.

At this stage, Trombetta’s allegations with respect to the falsity of the CMI are sufficient to state a claim. They are sufficient to allege *scienter* as well. The Second Circuit has cautioned that courts should be lenient in assessing *scienter* at the motion to dismiss stage, “because such issues are appropriate for resolution by the trier of fact.” *In re DDAVP Direct Purchaser Antitrust Litig.*, 585 F.3d 677, 693 (2d Cir. 2009). “Special solicitude” is also afforded to the complaints of *pro se* litigants, which should be dismissed due to insufficient pleading “only in the most unsustainable of cases.” *Fowlkes v. Ironworkers Loc. 40*, 790 F.3d 378, 387 (2d Cir. 2015).

In the DMCA context, notice to a defendant can support an inference that the defendant’s violation was knowing and its distribution done with intent to facilitate infringement. *See Wood v. Observer Holdings, LLC*, No. 20-CV-7878 (LLS), 2021 WL 2874100, at \*7 (S.D.N.Y. July 8, 2021); *see also Michael Grecco Prods., Inc. v. Alamy, Inc.*, 372 F. Supp. 3d 131, 139 (E.D.N.Y. 2019). Trombetta repeatedly alleges that she notified Worthpoint that the posts contained inaccurate and infringing information. *See* Compl. 2 (“Despite Plaintiff’s efforts to prevent further reposting, it happened again after Defendants were informed of its falsity contained in the internet description.”); *id.* at 3 (“Plaintiff prior to filing this lawsuit reached out to [] both Defendants...to inform these parties that the Plaintiff was not the artist and did not create the painting advertised and sold on eBay.”); *id.* at